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Attorney for Defendant Gonzalo Vargas-Torres

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

GONZALO VARGAS-TORRES,

Defendant.

Case No. 3:13-CR-00536-MO

DEFENDANT GONZALO VARGAS-
TORRES'S SENTENCING
MEMORANDUM

Sentencing: February 19, 2014
at 11:30 a.m.

Defendant Gonzalo Vargas-Torres, through attorney Todd H. Grover, submits the following memorandum regarding sentencing.

A. Background

Gonzalo Vargas-Torres is charged by indictment with conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846 (Count 1); and aiding and abetting the distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Counts 2 and 3). On November 13, 2013, he pled guilty to Count 1 of the indictment pursuant to a plea agreement with the Government. Specifically, Mr. Vargas-Torres admitted that, in April of 1997, in the Northern District of Iowa, he conspired with another individual to distribute 134 grams of actual methamphetamine. In

exchange for that plea, and for dismissing an appeal from the criminal judgment entered against him in case number 3:10-CR-00318-MO-3, the Government agreed to dismiss the remaining counts in the indictment and to join Mr. Vargas-Torres in making the following sentencing recommendation.

B. Recommended Sentence

The U.S. Probation Office has correctly calculated an advisory sentencing Guideline range of 97-121 months imprisonment, based on a total offense level of 29 and a criminal history score of 3. The mandatory minimum sentence is 10 years imprisonment. 21 U.S.C. § 841(b)(1)(A).

The parties jointly recommend that the Court impose a 120 month (10 year) term of imprisonment to be served concurrently with the prison sentence that Mr. Vargas-Torres is currently serving in case number 3:10-CR-00318-MO-3. The Court should also impose a five year term of supervised release and a \$100 special assessment.

Mr. Vargas-Torres is a citizen of Mexico, and the U.S. Bureau of Immigration and Customs Enforcement (ICE) has placed a detainer on him. It is anticipated that he will be deported at the conclusion of any prison term.

Mr. Vargas-Torres requests that the Court recommend to the U.S. Bureau of Prisons that he be designated to the Federal Correctional Institution at Taft, California (FCI Taft). FCI Taft is located to the north of Los Angeles, and is near to where his mother and some of his siblings reside. The institution houses a substantial number of Mexican citizens, and offers English as a Second Language (ESL) instruction as well as a multitude of vocational training. Mr. Vargas-Torres believes that he will fit-in well with the population at FCI Taft and benefit from the educational programs offered there.

C. Rationale

The plea agreement reached by the parties in this case is intended to resolve all of Mr. Vargas-Torres's pending matters in the federal courts. Pursuant to that agreement, Mr. Vargas-Torres has dismissed his direct appeal from an earlier conviction (case 3:10-CR-00318-MO-3), worked with the Government to have the instant case transferred from the Northern District of Iowa, and pled guilty to the principal offense in this case. In exchange, the Government has agreed to recommend the statutory minimum sentence (10 years), and to recommend that it be served concurrently with the sentence imposed in case number 3:10-CR-00318-MO-3.

The benefit to Mr. Vargas-Torres is obvious: he resolves the present charges in a manner calculated to maximize the likelihood that he will not serve any additional time in prison beyond that he is already facing as a result of his convictions in case number 3:10-CR-00318-MO-3.

The benefit to the Government is also obvious. By resolving the Iowa case in this District pursuant to a guilty plea, the Government saves resources that it would otherwise have to expend to transfer Mr. Vargas-Torres to Iowa for trial and related proceedings there. The Government also obtains a sentence that is commensurate with the seriousness of the offense, and further ensures that Mr. Vargas-Torres will be deported at the conclusion of his prison term(s).

The Court likewise benefits from the recommended sentence, inasmuch as it conserves judicial resources while at the same time promoting respect for the laws of this country.

Finally, in evaluating the reasonableness of the recommended sentence, it is also worth noting that, notwithstanding his involvement in the present drug offenses, Mr. Vargas-Torres has made positive contributions to the community. He and his wife, Guadalupe, have raised three children together in the Seattle, Washington area. From 2006 until the time of his arrest in 2010, Mr. Vargas-Torres worked in a granite and tile counter shop in Seattle, and before that at a dairy in Tillamook. This is not a case in which the defendant's livelihood centered on the manufacture or distribution of controlled substances. Mr. Vargas-Torres has consistently worked hard at legitimate jobs to support his family here in the United States.

D. Erata

In the presentence report (PSR), the Probation Office provides a Sioux City, Iowa address for Mr. Vargas-Torres. Mr. Vargas-Torres has not resided in Iowa since 1997. At the time of the sentencing hearing in this case, Mr. Vargas-Torres will provide the Court with an alternative address, and ask that the PSR be amended to reflect that address. As the Court is aware, the U.S. Bureau of Prison will use the address in the PSR when determining where Mr. Vargas-Torres should be incarcerated.

RESPECTFULLY SUBMITTED this 13th day of February, 2014.

s/ Todd Grover

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CERTIFICATE OF SERVICE

I hereby certify that I served DEFENDANT GONZALO VARGAS-TORRESø
SENTENCING MEMORANDUM on:

Kathleen Bickers
Assistant U.S. Attorney
United States Attorneyø Office
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Portland, Oregon 97204

Attorney for the Plaintiff

by electronic case filing.

DATED this 13th day of February, 2014.

s/ Todd Grover

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